Meeting:	Village Board
Meeting Date:	06/13/2011
Agenda Item:	6b

Mission Statement
Delivering quality services in a courteous, cost-effective and efficient manner.

VILLAGE BOARD MEETING STAFF REPORT

REPORT TO: Burt R. McIntyre, President
Village Board of Trustees

REVIEWED BY: PB

REPORT FROM: Geoffrey S. Farr, PE, Director of Public Works

AGENDA ITEM: Review and take action on Resolution 2011-11 a policy on authorizing special assessments.

POLICY ISSUE

Should the Village Board approve Resolution 2011-11, modifying the existing policy by adding a new Financing and Payment Plan, Type G?

BACKGROUND INFORMATION

The payment plan is intended to provide an adequate supply of housing stock. The housing or availability of housing stock must also be balanced to ensure that the lots will be sold within the three-year period. Therefore, the Village will not entertain requests to fund infrastructure if a surplus of lots are on the market within the geographic area.

This payment plan would be applied to residential development property for which the needed development agreement does not require a letter of credit for payment of improvements and the Village Board determines it to be in the public interest to construct such improvements.

The repayment terms are summarized as follows:

(A) **Type G Payment plan –** may be applied to residential development property for which the development agreement does not require a letter of credit for payment of such improvements and the Village Board determines it to be in the public interest to construct such improvements.

i. Special assessments levied against properties as set forth in Schedule C of the Engineer's Report denoted as "Assessment Type G" shall allow deferred payment with bearing interest, at the rate of 6% annually until such time that any of the following events occur:
   1. The property is sold or transferred.
   2. Upon the expiration of three (3) years from the date of special assessment approval.

ii. At the time events "1" or "2" occur, the balance of principal, late fees, and penalties, including accrued interest, shall be immediately due and payable in full. Where owners of affected property have not paid the amount due within 30 days, such unpaid amounts shall bear interest on the unpaid balance at the rate of 18% annually including late fees, and penalties.

PRIOR ACTION/REVIEW

The Village has previously discussed development scenarios for which the Village could fund private development for residential subdivisions.

FISCAL IMPACT:

1.	Is There A Fiscal Impact?	Yes
2.	Is it Currently Budgeted?	No

RECOMMENDED ACTION

Village staff recommends the Village Board approve the attached resolution.

If the Village Board agrees with this action, the following motion could be used, ***"Motion to approve Resolution 2011-11 a policy authorizing special assessments."***

POLICY ALTERNATIVE(S)

The Village Board could take the following actions:

- Approve Resolution 2011-11
- Approve the resolution with modifications
- Deny the resolution
- Table the resolution and request additional information for review

ATTACHED INFORMATION

I. Resolution 2011-11

COPIES FORWARDED TO:

I. None

RESOLUTION No. 2011 – 11

RESOLUTION AUTHORIZING A POLICY FOR DETERMINING SPECIAL ASSESSMENTS

WHEREAS, The purpose of this policy is to establish guidelines for the preparation of future special assessments and to promote the consistency in the levying of special assessments pursuant to Wisconsin Statutes Sections 66.0701 through 66.0733; and

WHEREAS, The Village Board is not bound by these guidelines when determining special assessments; and

WHEREAS, The Village Board shall determine the limits of the project, the areas to be assessed, the amounts to be assessed, and the matter in which the special assessments are to be collected for each project; and

WHEREAS, The Village Board based in its view that the improvement types described below when installed along or adjacent to property constitutes a benefit to fronting property, for which special assessments shall be approved and levied against said property, in a reasonable manner, on a project by project basis; and

WHEREAS, the Village Board has the discretion to authorize construction of public improvements paid for by special assessment when the property owner does not file a letter of credit for payment of such improvements and the Village Board determines it to be in the public interest to construct such improvements; and

WHEREAS, certain economic conditions have created an unwillingness in lending institutions to advance letters of credit for private development in Northeast Wisconsin and nationwide, rendering Developers are often times unable to obtain appropriate financing to enable it to file a letter of credit for the aforementioned public improvements; and

WHEREAS, the Village Board has reviewed this Assessment Policy which sets forth standards by which the Village may determine to assess and fund infrastructure development as follows:

SECTION CONTENTS

I Sanitary Sewers
II Watermains
III Storm Sewers and Strom Water Management Facilities
IV Service Laterals
V Streets
VI Sidewalks
VII Driveways
VIII Interceptor sewers and Interceptor acreage fees
IX Lift stations & Booster pump stations
X Policy Credits

XI Financing and Payment Plans

I. SANITARY SEWERS

(1) Standard Size – is 10" diameter.

(2) New Developments - The developer contributes 100% of the project cost. The Village contributes the difference in cost between the standard size sewer and the larger than standard size sewer. It is the policy of the Village to extend sanitary sewer prior to street construction.

(3) Existing Rural Type Roads – Fronting property owners contribute 100% of the project cost. The Village contributes the difference in cost between the standard size sewer and the larger than standard size sewer. It is the policy of the Village to extend sanitary sewer prior to street reconstruction or earlier as deemed necessary by the Village Board.

(4) Sanitary Sewer Replacement – The Village contributes 100% of the project cost.

II. WATERMAINS

(1) Standard Size - is 10" diameter.

(2) New Developments – The developer contributes 100% of the project cost. The Village contributes the difference in cost between the standard size watermain and the larger than standard size watermain. It is the policy of the Village to extend watermain prior to street construction.

(3) Existing Rural Type Roads – Fronting property owners contribute 100% of the project cost. The Village contributes the difference in cost between the standard size watermain and the larger than standard size watermain. It is the policy of the Village to extend watermain prior to street reconstruction or earlier as deemed necessary by the Village Board.

(4) Watermain Replacement – The Village contributes 100% of the project cost.

III. STORM SEWERS AND STORM WATER MANAGEMENT FACILITIES

(1) Standard Size - is 36" diameter.

(2) Storm Sewers - Storm sewers and open channels shall be designed to carry the 10-year storm recurrence interval. Storm water shall be conveyed via storm sewers where a 36" diameter storm sewer is capable of conveying the flow. Drainage courses requiring storm sewers between 36" and including 48" diameter are analyzed on a case-by-case basis for determination of the conveyance method. Drainage courses requiring storm sewers exceeding 48" diameter should be considered for open channel construction.

(3) New Developments – The developer contributes 100% of the project cost for storm sewer construction and storm water management facilities. It is the policy of the Village

to extend storm sewers and storm water management facilities prior to street construction.

(4) Existing Rural Type Roads - Fronting property owners contribute 100% of the project cost for storm sewer construction. The Village contributes 100% of the project cost for storm water management facilities. The Village contributes the difference in the cost between standard 36" storm sewer and the larger than standard size storm sewers. It is the policy of the Village to extend storm sewers and storm water management facilities prior to street reconstruction or earlier as deemed necessary by the Village Board.

(5) Storm Sewer Replacement – The Village contributes 100% of the project cost.

IV. SERVICE LATERALS

(1) Standard residential sizes - are 1" water, 4" sanitary sewer and 4" storm sewer. Service laterals are installed between the utility main and the property line within the street right of way.

(2) Permit Required – It is the policy of the Village to install new, replace or repair service laterals in the right of way for property owners by Village employees or contractors. It is also the policy of the Village of Howard to allow for new service lateral installation by permit only. The Village of Howard Public Works Department issues permits including construction criteria.

(3) New Developments –The developer contributes 100% of the project cost. It is the policy of the Village to extend service laterals prior to street construction.

(4) New Service Laterals –The property owner contributes 100% of the project cost for construction and restoration.

(5) Existing Rural Type Roads – It is the policy of the Village to extend service laterals to vacant and future divisible lots prior to street reconstruction or earlier as deemed necessary by the Village Board. When the property owner doesn't inform the Village of the desired service lateral sizes, the Village will extend service laterals to the property line based upon the plumbing code, present zoning or future land use of the property. Fronting property owners contribute 100% of the project cost.

(6) Lateral Maintenance - The property owner contributes 100% of the maintenance costs for repair and cleaning from the utility main to the house. The Village is not responsible to:

(A) remove debris, rags, sediment or other foreign objects, to
(B) un-plug, keep the pipe open and keep water flowing, for
(C) flooding or back ups, for infiltration or exfiltration, or
(D) to maintain laterals in any way, or

(E) for replacement or maintenance of the sewer connection fitting(s) or joints between the street portion of the lateral and the private portion of the lateral on private property, for
(F) replacement or maintenance of the water connection fitting on the down stream side of the curb stop, for
(G) settled, poorly or reverse sloped laterals, for
(H) private construction damage to the lateral in the street right of way.

(7) Public Service Lateral Replacement / Repair – The Village contributes 100% of the project cost for the lateral between the utility main and the property line within the street right of way. The timing & need for replacement or repair of laterals at Village expense is determined by the Director of Public Works based upon evidence provided by the property owner as described below.

(A) Replacements / Repair guidelines are as follows:
i. The Village may replace sanitary or storm laterals that have open pipe joints and allow significant amounts of sediment and or root accumulation, or where the pipe has collapsed. The Director of Public Works may require the property owner to document and provide evidence to support that the lateral requires replacement or repair due to significant amounts of actual cleaning and other work that has been necessary to remove the accumulations, more than twice in one calendar year, or more than once per year in a two year period, and where the property owner has provided a television inspection of the lateral showing evidence of open pipe joints, sediment, roots or collapse.
ii. The Village may replace or repair leaking water laterals. The Village at its option, for laterals that are subject to freezing in the street right of way, may replace laterals or allow the property owner to continuously run water to prevent freezing of the lateral and provide a utility credit for the designated period of time.

V. STREETS

(1) Standard size - are 37' wide (back of curb to back of curb) with concrete curb, 3" of asphalt pavement and 12" of crushed aggregate base course.

(2) New Developments – The developer contributes 100% of the project cost. When circumstances other than the development require a larger than standard size street, the Village contributes the difference in cost between the standard size street and the larger than standard size street. It is the policy of the Village to extend and complete street construction prior to building permit issuance and opening of the street for public use.

(3) Reconstruction of a Rural Street (without curb and gutter) to an Urban Street (with curb and gutter) - Fronting property owners and the Village each contribute 50% of the standard size street project cost. The Village contributes the difference in cost between the standard size street and the larger than standard size street.

(4) Rural Street Reconstruction - is warranted when a street is 50% developed as determined by the number of divided lots compared to the number of developable lots and one or more of the following circumstances exist:

(A) Where traffic or the roadway poses immediate hazard.
(B) The continuation of existing urban type street.
(C) Where high traffic volumes exist.
(D) Where the condition of the existing street is poor.
(E) Where sewer and water utilities are being installed.

(5) Streets meeting these criteria are placed on the Village's Capital Improvement Plan for reconstruction and prioritized.

(6) Asphalt Resurfacing – Village contributes 100% of project cost.

(7) Curb and Gutter Repairs – Village contributes 100% of project cost.

(8) Urban Street Replacement – The Village each contributes 100% of project cost.

VI. SIDEWALKS

(1) Permit Required - The policy of the Village of Howard is to allow for new sidewalk installation, replacement, repair or maintenance by permit only. The Village of Howard Public Works Department issues permits including construction criteria.

(2) Standard Dimensions - are 4" thick, 5' wide concrete, with 4" of crushed aggregate base course. The section in a driveway for the crossing of a sidewalk, has the width and slope of a sidewalk, but is handled as a "driveway" for thickness and payment purposes. Sidewalks are constructed on both sides of the streets to minimize unnecessary pedestrian crossings, thereby increasing pedestrian safety.

(3) Locations – The policy of the Village is to add sidewalks to streets in accordance with the Village of Howard Master Sidewalk Plan and in all new subdivisions. The plan provides for sidewalks to serve pedestrian traffic areas associated with parks, schools, churches, malls, etc., on collector and arterial streets, and areas of high pedestrian traffic on minor or local streets. A minor or local street is a street with limited continuity used primarily for access to abutting properties and the local needs of a neighborhood. A collector street is a street including the principal entrance street of a residential development and the circulating street within a development, which caries traffic from a local or minor street to the system of major streets including arterials and highways. An arterial street is a high capacity street designed to carry large volumes of traffic between various areas of the community and to highways.

(4) Installation Schedule - Sidewalks on existing urban streets (with curb and gutter) are scheduled for installation in accordance with the prioritization identified on the Villages Capital Improvement plan. Sidewalks on rural streets (without curb and gutter) are installed when the street is reconstructed to an urban type street. Sidewalks in new developments are installed concurrent with roadway construction.

(5) Prioritization - Guidelines for capital improvements plan prioritization of sidewalk projects to be installed on existing urban streets, in order from highest to lowest, are as follows:

(A) Health hazard exists from conflict of vehicular traffic and pedestrian traffic.
(B) Where safety would be improved areas of existing high levels of pedestrian traffic.
(C) After 75% of the street has a building permit, sewer or water use, or is divided by a CSM or Plat.

(6) New Developments – The developer contributes 100% of the sidewalk construction cost. It is the policy of the Village to extend sidewalks concurrently with street construction.

(7) Existing Streets – The Village contributes 100% of the sidewalk construction cost.

(8) Sidewalk Replacement / Repair – The Village contributes 100% of project cost for replacement as determined by the Village of Howard on a hazard basis only, without aesthetic considerations. A sidewalk may be replaced as determined by the property owner on an aesthetics basis, where the property owner and Village each contribute 50% toward the replacement cost.

VII. DRIVEWAYS

(1) Permit Required - The policy of the Village of Howard is to allow for new driveway installation, replacement, repair or maintenance by permit only. The Village of Howard Public Works Department issues driveway permits including construction criteria. The section in a driveway for the crossing of a sidewalk, has the width and slope of a sidewalk, but is handled as a "driveway" for thickness and payment purposes.

(2) New Installations – The property owner contributes 100% of the driveway construction cost.

(3) Driveway Replacement - The property owner and the Village each contribute 50% of the construction cost when driveways are replaced as part of a Village street reconstruction project.

(4) Driveway Replacement / Repair / Maintenance – The property owner contributes 100% of project cost when driveways are replaced, repaired or maintained and are not part of a Village street reconstruction project.

VIII. INTERCEPTOR ACREAGE FEES

(1) GBMSD Interceptor Acreage Fees – a $175.00 per acre fee is levied on all properties where sanitary sewer service is made available by the extension of sanitary sewer projects. The fee is used to offset the payment to the Green Bay Metropolitan Sewerage District (GBMSD) for providing the original interceptor sewer to the Village.

IX. LIFT STATIONS AND BOOSTER PUMP STATIONS

(1) Lift stations and booster pump stations are generally unnecessary as gravity sewer drainage and water pressures and flows are available from existing infrastructure when appropriate design and planning are utilized.

(2) New Developments - Temporary lift stations and booster pump stations may be allowed on a case by case basis when the developer agrees to pay 100% of the cost of installation, operation, maintenance, future abandonment and the proper gravity sewer installation in the future. These costs shall be paid from the funds deposited or by claim against letter of credit filed with the Village with expiration being the installation and final payment of the gravity sewer costs.

X. POLICY CREDITS

(1) Corner Credit –

(A) Wisconsin Statutes recognize that corner properties typically have a greater amount of frontage than regular lots, but do not enjoy greater benefit from public improvements installed along their frontages. To mitigate this difference corner lots shall receive a corner credit.

(B) Corner lots with two sides shall be credited at 60% of the total lot frontage up to a maximum of 150 feet.

i. Apply up to 50% of the total eligible credit per side.

ii. Credit may not be applied until a minimum of 90 feet has been assessed on one or more sides.

iii. Additional credit may be applied on the first side if the second side is insufficient in frontage to award the entire amount of credit.

iv. Credit shall be applied to the last frontage being improved on a given side.

(C) Corner lots with three or four sides shall be credited at 100% of the lot frontage on those sides up to a maximum of 120 feet per side after the first two sides have been assessed as described above.

(D) The Village shall pay for the cost of the corner credit.

(2) Non-Dividable Large Parcel Credit–

(A) Similar to corners, large undividable properties have a greater amount of frontage than regular lots but do not enjoy substantially more benefit from public improvements installed along their frontages.

(B) Large undividable properties shall be credited at 50% of the frontage that exceeds 90 feet, subject to the following:

i. The property must be residentially zoned.

ii. To be eligible the lot cannot be dividable according to the minimum R-1 lot size, which is currently 90 feet of frontage and 12,150 sf. in area.

iii. Credit may not be applied until a minimum of 90 feet has been assessed.

(C) The Village shall pay for the cost of the credit.

(3) Non-assessable Frontage Credit –

(A) Where there is no benefit to a property from the installation of a public improvement the property shall not be assessable.

(B) Delineated wetlands and or floodway are deemed undevelopable and improvements in these areas do not benefit property. The area and cost of improvements shall be documented, as set forth in Schedule C of the Engineer's Report, until a time that circumstances have changed, such that any portion of the documented area is removed from said regulation and is deemed buildable, or the property owner obtains a building permit for any type of property improvement, or property owner otherwise improves the property without a permit. At that time, the Village shall promptly assess the property owner for that portion of the improvement cost as set forth in Schedule C of the Engineer's Report plus interest at the rate of 5¾ % annually or 1% over the Village borrowing rate at the time of the assessment which ever is greater, on the unpaid balance from the date of adoption of the initial final resolution.

(C) The extent of wetlands and floodways may be determined by the Village Engineer or by a report provided by the property owner that is authored by a Professional Engineer or Wetland Ecologist registered and licensed to practice in the State of Wisconsin and where said report is approved by the Wisconsin Department of Natural Resources.

(D) The Village pays the cost of the credited area until the credit is removed and the property is assessed.

(4) New Developments – Developers contribute 100% of the project cost and are not eligible for policy credits.

(5) Overlapping Credits- Credits shall not overlap. In certain situations where credit areas may overlap the greater credit shall be applied and the lesser credit in the overlap area is ineligible.

XI. FINANCING AND PAYMENT PLANS

(1) Financing – The Village provides capital improvement funding with payback through special assessments. Village financing does not apply to developers.

(2) Supplemental Funding – (Federal, State Funds, County, etc.) – Supplemental funds that become available to a project are Village Funds and are used to supplement Village contributions including but not limited to: larger than standard utility & roadway costs; sidewalk costs; street reconstruction & driveway replacement cost sharing; corner, non divisible large parcel hardship & non assessable frontage credits; and any other special project costs like street lighting. Any surplus supplemental funds are used to reduce special assessments after Village funding contributions have been offset.

(3) Payment Plans – payment schedules for assessments are established when the assessment is levied.

(A) **Type A payment plan –** is applied to properties that have an established use. For example, this may include but is not limited to: an existing house, a business, a vacant property that has been divided by CSM or Plat, or a property with a building permit for an established use.

i. Special assessments levied against properties as set forth in Schedule C of the Engineer's Report denoted as "Assessment Type A" shall be paid in cash or in ten (10) annual installments to the Treasurer, such installments bearing interest, at the rate of 5 ¾% annually or 1% over the Village borrowing rate at the time of the assessment which ever is greater, on the unpaid balance, until such time that any of the following events occur:
    1. The land is developed (building or use permit, sewer or water use, etc.), or
    2. The property is divided by a certified survey map or plat, or
    3. The property is sold or transferred, except for transfer between father, mother, son, daughter, brother or sister.

ii. At the time events "1", "2" or "3" occur, the balance of principal, late fees, penalties and accrued interest shall be immediately due and payable in full.

(B) **Type B payment plan –** is applied to properties that are vacant or the undeveloped portion of a dividable property.

i. Special assessments levied against properties as set forth in Schedule C of the Engineer's Report denoted as "Assessment Type B" allow deferred payment without accrued interest until such time that any of the following events occur:
    1. The land is developed (building or use permit, sewer or water use, etc.), or
    2. The property is divided by a certified survey map or plat, or
    3. The property is sold or transferred, except for transfer between father, mother, son, daughter, brother or sister.

ii. At the time events "1", "2" or "3" occur, the balance of principal, late fees, and penalties, without accrued interest, shall be immediately due and payable in full.

(C) **Type C payment plan –** is applied to properties that are being assessed for the installation of; a sanitary sewer project where watermain is not currently installed and is not being installed as part of the project or, a watermain project where sanitary sewer is not currently installed and is not being installed as part of the project.

i. Special assessments levied against properties as set forth in Schedule C of the Engineer's Report denoted as "Assessment Type C" allow deferred payment without accrued interest until such time that any of the following events occur:

1. The land is developed (building permit, sewer or water use, etc.), or
2. The property is divided by a certified survey map or plat, or
3. The property is sold or transferred, except for transfer between father, mother, son, daughter, brother or sister, or
4. The Village installs sanitary sewer or requires connection to the watermain, or
5. The Village installs watermain or requires connection to the sanitary sewer.

ii. At the time events "1", "2" or "3" occur, the balance of principal, late fees, and penalties, without accrued interest, shall be immediately due and payable in full.

iii. At the time events "4" or "5" occur the special assessments are due and payable and shall be paid, in cash or in ten (10) annual installments, such installments bearing interest at the rate of 5¾% annually or 1% over the Village borrowing rate at the time of the assessment which ever is greater, on the unpaid balance. At the time events "1", "2" or "3" occur following event "4" or "5", the balance of principal, late fees, penalties and accrued interest shall be immediately due and payable in full.

(D) **Type D payment plan –** is the cost of the publically installed improvements. The value represents the assessment that would have been levied against the property for improvements, had the property not been encumbered by environmentally regulated areas that eliminate property improvement or development. The stated cost of the installed improvements is funded and held by the Village, for benefit of the property owner, until a time that regulations or circumstances change.

i. The cost of improvements that benefit property, identified and set forth in Schedule C of the Engineer's Report denoted as "Payment plan Type D" shall be withheld and are currently determined to be unbuildable due to the presence of wetlands or floodways. The cost of improvements shall be exempt and withheld until such time that the circumstances have changed, such that any portion of the withheld area is removed from said environmental regulation and is deemed buildable, or should the property owner obtain a building permit for any type of property improvement or otherwise improves the property without a permit. At that time, the Village shall promptly assess the property owner for the cost of the improvements as set forth in Schedule C of the Engineer's Report plus accrued interest at the rate of 5¾ % annually or 1% over the Village borrowing rate at the time of the assessment which ever is greater, on the unpaid balance from the date of adoption of the initial final resolution. The balance of principal, late fees, penalties and accrued interest shall be immediately due and payable in full.

(E) **Type E Payment plan –** pursuant to Wisconsin Statutes 91.15 special assessments may not be imposed for public improvements on land zoned for exclusively agricultural use or where a farmland preservation agreement has been

recorded. Land covered by this exemption shall be denied use of the improvements as long as the owner of the land has a recorded farmland preservation agreement or the land is zoned for exclusively agricultural use. The stated cost of the installed improvements is funded and held by the Village for benefit of the property owner, until a time that the zoning changes or the farmland preservation agreement no longer applies.

i. The cost of improvements that benefit property, identified and set forth in schedule C of the Engineer's Report denoted as "Payment plan Type E", is the documented the cost of the installed improvements had the property not been exempted from special assessments per Wis. State Statutes 91.15. The cost of improvements shall be withheld until such time that the circumstances have changed, such that any portion of the exempted area no longer applies. At that time, the Village shall promptly assess the property owner for the cost of the improvements as set forth in Schedule C of the Engineer's Report. The balance of principal, late fees, and penalties, without accrued interest, shall be immediately due and payable in full.

(F) **Type F Payment plan -** is applied to property that is currently being developed or are previously divided lots from a plat or CSM that are still owned by one or more of the original developers.

i. Special assessments hereby levied against properties as set forth in Schedule C of the Engineer's Report denoted as "Payment plan Type F" shall be paid from the funds deposited or by claim against letter of credit filed with the Village. Where owners of affected property have not deposited or filed the same, such assessments shall be paid in cash within thirty (30) days after adoption and publication of the Final Resolution relating to the public improvements, and thereafter said assessments shall bear interest on the unpaid balance at the rate of 18% annually.

(G) **Type G Payment plan –** may be applied to residential development property where the approved development agreement does not require that funds be deposited or a letter of credit be filed with the Village for payment of such improvements and the Village Board determines it to be in the public interest to construct such improvements.

i. Special assessments levied against properties as set forth in Schedule C of the Engineer's Report denoted as "Assessment Type G" shall allow deferred payment with bearing interest, at the rate of 6% annually until such time that any of the following events occur:
   1. The property is sold or transferred.
   2. Upon the expiration of three (3) years from the date of special assessment approval.

ii. At the time events "1" or "2" occur, the balance of principal, late fees, and penalties, including accrued interest, shall be immediately due and payable in full. Where owners of affected property have not paid the

amount due within 30 days, such unpaid amounts shall bear interest on the unpaid balance at the rate of 18% annually including late fees, and penalties.

The type G payment plan is intended to provide an adequate supply of housing stock. The housing or availability of housing stock must also be balanced to ensure that the lots will be sold within the three-year period. Therefore, the Village will not entertain requests to fund infrastructure if a surplus of lots are on the market within the geographic area.

The following criteria will be used to evaluate if the Village will consider approval of the project:

1. The Developer must own the proposed property to be subdivided and sold for residential purposes.
2. The Developer must have recorded a plat dividing the properties into the residential lots, including taking all steps necessary to obtain Village Plan Commission approval. A copy of the recorded plat must be provided to the Village Planning Department.
3. The Developer must, on its own and on behalf of any and all successors and assigns, request the installation of the public improvements.
4. The Developer must provide the Village with the following documentation:
    a. Letter from primary bank declining to fund the project.
    b. Market analysis on the proposed development.
    c. The type of residential structures to be developed. The Village shall support all levels of housing; however the Village reserves the right to refuse projects that use spec homes.
5. The assessed cost of the improvements to be provided by the Village shall be divided up on a per lot basis.
6. The full and final cost of the public improvements shall be determined at the completion of the project and prorated per parcel. Should the final assessment per lot sum be smaller than the amount actually paid by transferred parcel(s), the overage collected shall be prorated among the parcels not transferred. Should the final assessment per lot be greater than the amount actually paid by the transferred parcels, such shortage not collected shall be prorated among the parcels not transferred. If all parcels were previously transferred, the shortage not collected shall be payable upon the Personal Guarantee.
7. The Developer shall execute a personal guarantee(s) of specific transactions guaranteeing repayment.
8. The Developer shall waive any and all right or recourse it may have, through State or Federal Court Pursuant to Wis. Stats. §66.0703, or otherwise to challenge the assessment agreed to in this agreement, it being the desire of the Developer, to be placed in the same position as if they had been fully and adequately noticed of the procedures pertaining to the assessment for the reconstruction activity.
9. At least one-third of all platted lots shall be subject to accepted offers to purchase.

In determining whether to approve a request for Village funding of residential infrastructure improvements in circumstances where the above criteria are satisfied, the Village shall not be obligated to approve such request but shall also consider the following factors in analyzing and considering approval of the request:

1. Existing national and regional economic conditions;
2. Current construction market and the likelihood of receiving favorable public construction bids;
3. Whether previously approved Village funded infrastructure developments have met the obligations imposed upon the developer, regardless of the identity of the developers;
4. Whether other requests for Village funded infrastructure improvements have been approved or are pending for the same construction season as the request under consideration;
5. Whether Village engineering staff has sufficient time to prepare necessary engineering and construction plans for the requested infrastructure improvements;
6. Input or recommendations provided by the Village financial advisor;
7. Any other factor relevant to the Village's decision.

NOW THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Howard, Brown County, Wisconsin, hereby establishes, approves, and adopts; that property is benefited by the improvements described above, and that the above policy shall serve as the basis for determining special assessments to promote the fairness and uniform application, for all property owners in Village, with regard to the levying of special assessments.

Adopted this 13th day of June 2011.

Approved:

_____

Burt McIntyre, Village President

Attest:

_____

Robert Bartelt, Village Administrator